Filed 10/25/16 In re J.W. CA2/5

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re J.W., a Person Coming Under the Juvenile Court Law.	B268790 (Los Angeles County Super. Ct. No. DK10152)
LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Plaintiff and Respondent, v. K.B., et al., Defendants and Appellants.	

APPEAL from orders of the Superior Court of Los Angeles County, Steff Padilla, Juvenile Court Referee. Affirmed.

Julie E. Braden, under appointment by the Court of Appeal, for Defendant and Appellant K.B.

Frank H. Free, under appointment by the Court of Appeal, for Defendant and Appellant K.W.

Tarkian & Associates, Arezoo Pichvai, for Plaintiff and Respondent.

K.B. (Mother) and K.W. (Father) are the parents of J.W., a boy who was five years old at the time the Department of Children and Family Services (the Department) instituted dependency proceedings in juvenile court. A domestic violence incident between Mother and Father—which also involved J.W., when Father slapped a phone out of his hands while the child was calling 911 at Mother's request—was what prompted the Department to institute dependency proceedings. We are asked to decide whether substantial evidence supports the juvenile court's finding that J.W. was at risk of serious harm because of his parents' failure to adequately protect him, whether substantial evidence supports the court's decision to remove J.W. from his parents' custody, and whether the juvenile court's continuance of the jurisdiction and dispositional hearing beyond the statutory deadline—over the parents' objection and solely due to the press of the court's caseload—warrants relief.

I. BACKGROUND

A. Events Prior to the Current Dependency Petition

The domestic violence episode that triggered the dependency proceedings in this case took place in February 2015. But reports prepared by the Department in connection with those proceedings revealed there had been prior altercations between Mother and Father. These prior altercations are relevant to the questions we are called to decide, and we summarize them briefly before turning to more recent events.

In 2009, police arrested Father after an incident that occurred at his home (Mother and Father were not living together at the time). Mother called Father on her cell phone while driving J.W. to Father's home. The parents argued over whether Father would babysit J.W., and when Mother arrived at Father's home, she drove her car onto the lawn, got out of the car, and started yelling at Father. Father then got angry and "punched out windows of the home."

The next year, in 2010, police arrested father for vandalism and spousal abuse. According to statements made by Mother at the time, Father pushed her, pulled her hair, and slapped her on the face during an argument about J.W.; Father also broke two mirrors

with his hand and threw a pan of hot oil on the wall. Father admitted he broke the mirrors and threw the pan of oil; he also said Mother slapped him and he slapped her back. Father was convicted on the vandalism charge, and the criminal court placed him on three years' probation, with a condition that he serve five days in jail.

The Department became aware of the 2010 incident between Mother and Father and obtained the parents' consent to a voluntary family maintenance agreement. Services provided in connection with that agreement were intended to assist Mother and Father with communication and conflict resolution skills. The family maintenance agreement, and the Department's involvement with the parents, ceased in April 2011.

B. The Current Dependency Petition Alleging Domestic Violence

Mother, Father, and J.W. came to the Department's attention again several years later, in February 2015. This time, there was no resolution of the matter by way of a voluntary services agreement. Instead, the Department filed a petition asking the juvenile court to take jurisdiction of J.W. under Welfare and Institutions Code Section 300, subdivisions (a) and (b)(1).[1]

The predicate for the Department's section 300 petition was another domestic dispute between Mother and Father, with J.W. caught in the middle. The petition (as ultimately sustained by the court) alleged: "[J.W.'s] mother . . . and the father . . . have a history of engaging in violent altercations, in the child's presence. On 02/03/2015, the mother struck the father's face. The father pushed the mother, causing the mother to fall into an entertainment center, and causing glass to break. The child was calling for help from Law Enforcement on the telephone and the father struck the phone out of the child's hands, causing the phone to disconnect . . . . Remedial services failed to resolve the family problems in that despite the mother's participation in a Voluntary Family Maintenance program and counseling to address domestic violence, the family continues to engage in violent altercations." A Department report prepared in advance of the initial

[1] Statutory references that follow are to the Welfare and Institutions Code.

detention hearing includes additional details concerning the incident, taken from interviews with the participants and a report prepared by the responding Los Angeles County Sheriff's Department deputies.

According to the sheriff's department report, a 911 call operator sent a narrative to the responding deputies that stated, "'Child said dad is hitting mom. Screaming in background. Line went dead.'" When the deputies arrived, only Mother and J.W. remained in the home. One of the deputies took J.W. outside after Mother had been subdued, and the deputy asked the child what happened. J.W. said his parents were fighting. When the deputy asked if they were just yelling, J.W. said "'No they were pushing and punching each other.'" Both Mother and Father were arrested.[2]

Mother told a Department social worker she argued with Father about money she had given Father to pay bills. The argument escalated, and Father said he was going to leave and take her car. Mother objected, called J.W. out of his room, and told the child to call the police.

Father provided a similar account of how the argument began, but he claimed Mother slapped him on the face and was standing at the front door preventing him from leaving the home. He admitted to pushing her away when he moved to leave.

The social worker also interviewed J.W. privately. The child told the social worker he heard Mother and Father yelling at each other and Mother then yelled at J.W. to come out of his room and call 911. When he did so, Father slapped the phone out of his hands. According to the social worker's report, J.W. said he had been "scared, especially about his dad."

The Department's detention report advised the court that a risk assessment had been completed and the risk to J.W. had been found to be "'high' as mother and father have already received a voluntary case with Family Preservation services for past substantiated allegations of domestic violence."

---

[2] They were released from custody shortly thereafter when the District Attorney declined to file charges.

At the detention hearing on February 18, 2015, the juvenile court ordered J.W. detained and placed in the custody of his maternal grandmother pending further proceedings. Significantly for purposes of this appeal, the minute order prepared in connection with the detention hearing states the Department was directed to provide Mother, Father, and J.W. with family reunification services.[3]

The Department prepared another report in advance of the jurisdiction hearing, which recounted additional interviews with the family. By the time of this jurisdiction report, Father's account of the incident had changed. Instead of admitting he pushed mother, he denied doing so and told the social worker he tried to "squeeze by her" when leaving the home but bumped her and she fell on the couch. Mother's account changed too. She said that Father was trying to squeeze around her to get through the door, and when he did, his shoulder hit a stand and a glass fell off the stand. Mother told the social worker that Father was not abusive, physically or verbally, and she claimed that "[a]ll this was, was a verbal dispute" and "[a]ll I did was tell my son to call the police."

C. The Jurisdiction and Dispositional Hearing, After Multiple Continuances

The juvenile court initially scheduled the contested jurisdiction and dispositional hearing for April 20, 2015, which was 61 days after the initial detention hearing. When the parties appeared on that date, the court continued the hearing to July 8.

On that date, the juvenile court again continued the dispositional hearing, setting it for October 14. Mother's attorney told the court that Mother was frustrated by the continuance because "it's been six months and we're still kind of standing still." The court explained the continued date was the next available date for a contested hearing with the anticipated number of witnesses. The court added: "The court is well aware the statutory time has already run. The court is going to indicate that the court has received

[3] A transcript of the February 18, 2015, detention hearing is not included in the appellate record.

268 new cases since May 1st. That the court has over 400—well, clearly closer to 500 open cases which have not been resolved. This being one of them."

Approximately one week after the July 8, 2015, court appearance, Mother and Father visited a Department office to speak with a social worker. The social worker discussed family reunification with the parents and gave them a resource packet listing available programs.

When the parties appeared in court on October 14, the juvenile court stated it had to handle a detention matter instead. Over the parents' objection, the court postponed the hearing again.

The contested hearing took place on November 2, eight and a half months after J.W. had been detained. The court first took testimony from J.W. in chambers, with counsel for all parties present. J.W., then six years old, initially testified he remembered a time when his parents were pushing and yelling at each other, which made him scared. J.W. said he called the police because Mother told him to, and he also agreed Father had taken the phone away from him. Later during his testimony, however, J.W. said his parents were only arguing, and J.W. denied seeing either parent touch the other.

Mother testified Father did not hit or push her during the incident in February 2015.[4] She said she asked her son to call 911 solely because Father was going to take her car, and she could not get the phone to call herself because Father would have left if she moved from her position blocking the door. When asked whether she had any concerns that asking J.W. to call the police might have scared him, she replied, "No, I didn't think about it at the time." Mother conceded, however, that in retrospect it was inappropriate to ask her son to call 911 "because it put him in the middle of a situation that could have been avoided." When asked whether there had ever been a physical altercation between her and Father in the past, Mother said no. She also testified she did not feel like she needed help with domestic violence between her and Father, but she acknowledged she "maybe" could use some help with counseling for conflict resolution.

---

[4] Father did not testify at the hearing.

With the presentation of evidence concluded, counsel for both parents urged the court to dismiss the petition, arguing the altercation in which J.W. had called 911 had been blown out of proportion. Counsel for Mother also "br[ought] to the court's attention that services have not been ordered yet; that these are still just recommendations. And [Mother] did testify on the stand that she is willing to take services if the court orders it."

The juvenile court found J.W. was a child described by section 300, subdivision (b)(1).[5] The court found the argument between the parents started when Mother hit Father with a pillow while he was sleeping and that the parents then "go at it" and "mutually become aggressors towards each other" with "pushing and shoving." The court emphasized J.W. witnessed all of the violence, and while the court didn't "necessarily believe it was a one-time incident, [it did] believe it was an isolated incident. And if everyone had come forward and dealt with this in an appropriate manner, we'd be probably saying good-bye to each of us. Instead, we're going to disposition today."

As to disposition, the court expressly found there would be a substantial danger to J.W.'s physical health, safety, protection, and emotional well-being if returned home and that there were no reasonable means by which J.W. could be protected absent removal from his parents' custody. The court continued J.W.'s placement with his grandmother and ordered the parents to participate in anger management and other counseling services.

II. DISCUSSION

Substantial evidence supports the juvenile court's jurisdiction finding and its dispositional order removing J.W. from his parents' custody. The parents' history of domestic conflicts, including the most recent incident in which J.W. called 911, established the requisite danger and risk of harm to J.W. The parents' minimization of these conflicts, and the recurrence of domestic violence even after they received

---

[5] The court dismissed the count in the Department's petition alleged under section 300, subdivision (a).

voluntary services intended to avert such episodes, provided sufficient reason for the juvenile court to conclude the risk to J.W. persisted at the time of the jurisdiction hearing and there were no reasonable means to protect the child absent removal from his parents' custody.

Because we hold the evidence before the juvenile court was sufficient to justify its finding and order, we further conclude the juvenile court's failure to comply with the statutory deadline for holding a dispositional hearing does not warrant relief. At this stage of the proceedings, we see no appreciable harm, particularly because the record indicates Mother and Father were offered family reunification services during the period of delay.

A. Jurisdiction Finding and Dispositional Order

1. Standard of review: substantial evidence

We review the parents' challenge to the juvenile court's jurisdiction finding and dispositional order under the substantial evidence standard of review. (*In re I.J.* (2013) 56 Cal.4th 766, 773; *In re J.K.* (2009) 174 Cal.App.4th 1426, 1433; see also *In re Angelica P.* (1981) 28 Cal.3d 908, 924 [appellate court reviews the whole record to determine whether it discloses substantial evidence, that is, evidence that is reasonable, credible, and of solid value].) Thus, we do not consider whether there is evidence from which the juvenile court could have drawn a different conclusion but whether there is substantial evidence to support the conclusion that the court did draw. (*In re F.S.* (2016) 243 Cal.App.4th 799, 813.) Mother and Father, as the parties challenging the juvenile court's finding and order, have the burden to show there was no evidence of a sufficiently substantial nature. (*In re D.C.* (2015) 243 Cal.App.4th 41, 52.)

2. Substantial evidence supports the jurisdiction finding

It is well established that the requisite risk of serious harm warranting dependency jurisdiction can be found when a parent exposes his or her child to domestic violence. (§ 300, subd. (b)(1); *In re T.V.* (2013) 217 Cal.App.4th 126, 134-135; *In re R.C.* (2012)

210 Cal.App.4th 930, 941; *In re Heather A.* (1996) 52 Cal.App.4th 183, 194 [episodes of violence between the parents put children in a position of physical danger "since, for example, they could wander into the room where [the violence] was occurring and be accidentally hit by a thrown object, by a fist, arm, foot or leg, or by [a parent] falling against them."] (*Heather A.*).) That, of course, was the situation here, where there was ample evidence from which the juvenile court could find the February 2015 altercation between the parents put J.W. in harm's way. Indeed, J.W. was at even greater risk of serious harm than the scenario described in *Heather A.* because he was not at mere risk of wandering into the room where the violence was occurring during the parents' most recent altercation—he was affirmatively called into the room by Mother. And then once there, Father slapped the phone out of J.W.'s hands when he was calling the police for help.

Mother and Father do not take issue with the general proposition that domestic violence between parents can be a proper basis for a jurisdiction finding under section 300, subdivision (b)(1). Nor do they devote the bulk of their energy to contesting the relevant facts of the February 2015 domestic dispute as found by the juvenile court. Instead, the thrust of their argument is the claim that this one instance of domestic violence is not enough to support jurisdiction because there was insufficient evidence J.W. continued to be at risk of serious harm at the time of the jurisdiction and dispositional hearing over eight months after the initial hearing on the petition. Citing *In re Rocco M.* (1991) 1 Cal.App.4th 814 and *In re M.W.* (2015) 238 Cal.App.4th 1444, they emphasize there must be evidence violence between the parents is ongoing or likely to continue, and they contend such evidence is lacking here.

To the contrary, we see substantial evidence in the record that indicates J.W. was at continued risk of suffering serious physical harm as a result of his parents' failure to protect him. This is so for two reasons.

First, the February 2015 incident between Mother and Father was not their first domestic altercation. The Department reports before the juvenile court indicated there had been two prior domestic disturbances: one in 2009 when police arrested Father after

Mother drove her car onto his lawn and Father punched out windows at the home, and another in 2010 when Father was convicted on a vandalism charge after he broke two mirrors and threw a pan of hot oil on the wall after he and Mother slapped each other. As prior cases have observed, this history of domestic violence between Mother and Father is a good predictor that the violence would continue. (*In re T.V., supra,* 217 Cal.App.4th at p. 133 ["Although 'the question under section 300 is whether circumstances *at the time of the hearing* subject the minor to the defined risk of harm' [citation], the court may nevertheless consider past events when determining whether a child presently needs the juvenile court's protection. [Citations.] A parent's past conduct is a good predictor of future behavior"]; *In re R.C., supra*, 210 Cal.App.4th at p. 941; *In re E.B.* (2010) 184 Cal.App.4th 568, 576.) Indeed, the violence did continue several years later when Mother and Father engaged in the February 2015 fight that triggered the petition in this case. With this history, the juvenile court was fully justified in believing there was a substantial risk the violence would continue (despite the apparent calm for several months while dependency proceedings were ongoing) absent court jurisdiction, and a more significant intervention than the voluntary services the parents received several years earlier was required. (*In re Christopher R.* (2014) 225 Cal.App.4th 1210, 1216 ["court need not wait until a child is seriously abused or injured to assume jurisdiction and take steps necessary to protect the child"].)

Second, the parents' minimization of the conflicts between them and their reluctance to acknowledge a need for help to address their issues only bolsters the case for believing there was an ongoing, substantial risk to J.W. In interviews immediately after the February 2015 incident, J.W. said Father pushed Mother while the two were yelling at each other and Father tried to stop J.W. from calling the police by slapping the phone out of his hands. Father himself admitted to pushing Mother when interviewed by the sheriff's deputies and by a Department social worker. Later, however, Father denied pushing Mother, and Mother denied it too when she testified at the jurisdiction hearing. Mother further denied there had ever been a physical altercation between them, and she testified she needed no help with domestic violence between her and Father. When

questioned by Father's attorney, she was willing to acknowledge it was inappropriate to put J.W. in the middle of the situation and that she "maybe" could use counseling for conflict resolution, but the trial court was entitled to conclude this was much too little to indicate she fully understood the domestic violence problem that led to the filing of the petition and was currently capable of protecting J.W. from harm. (*In re D.P.* (2015) 237 Cal.App.4th 911, 918 [jurisdiction appropriate where parents had a history of domestic violence and the mother continued to minimize domestic violence and failed to demonstrate a willingness to change]; see *In re A.M.* (2013) 217 Cal.App.4th 1067, 1077-1078 [no reason to believe services will prevent future abuse where the parent refuses to acknowledge the abuse in the first place].)

Substantial evidence before the juvenile court indicated J.W. continued to be at substantial risk of suffering serious physical harm at the time of the hearing. We therefore uphold the jurisdictional finding.

3. Substantial evidence supports the removal order

For similar reasons, we also conclude substantial evidence supports the juvenile court's dispositional order removing J.W. from his parents' custody.

"A removal order is proper if based on proof of parental inability to provide proper care for the child and proof of a potential detriment to the child if he or she remains with the parent. (*In re Jeannette S.* (1979) 94 Cal.App.3d 52, 60 [156 Cal.Rptr. 262].) 'The parent need not be dangerous and the minor need not have been actually harmed before removal is appropriate. The focus of the statute is on averting harm to the child.' (*In re Diamond H.* [2000] 82 Cal.App.4th [1127,] 1136.) The court may consider a parent's past conduct as well as present circumstances. (*In re Troy D.* (1989) 215 Cal.App.3d 889, 900 [263 Cal.Rptr. 869].) [¶] Before the court issues a removal order, it must find the child's welfare requires removal because of a substantial danger, or risk of danger, to the child's physical health if he or she is returned home, and there are no reasonable alternatives to protect the child. (*In re Kristin H.* [1996] 46 Cal.App.4th [1635,] 1654; § 361, subd. (c)(1).)" (*In re N.M.* (2011) 197 Cal.App.4th 159, 169-70.) We employ the substantial

evidence standard of review in assessing the propriety of the removal order. (*In re Christopher R.*, *supra*, 225 Cal.App.4th at p. 1216, fn. 4; *In re Cole C.* (2009) 174 Cal.App.4th 900, 917.)

Here, as we have detailed, the parents had a history of domestic conflicts and they failed to fully appreciate the domestic violence issues between them. These are significant facts supporting the juvenile court's order. (*In re N.M.*, *supra*, 197 Cal.App.4th at p. 170 [substantial evidence supported removal order where parent had not grasped the danger of the incident and was in denial regarding reported incidents of physical abuse].) In addition, Mother and Father were not participating in services intended to help quell future domestic disturbances at the time of the jurisdiction and dispositional hearing even though the juvenile court directed DCFS to provide family reunification services at the initial hearing on the petition and DCFS later met with the parents and provided them with a list of available programs. That the parents had not taken advantage of reunification services—and that Mother appeared willing to do so only if, as her attorney said at the hearing, "the court orders it"—is further evidence supporting the removal order and the juvenile court's express finding there were no other reasonable means to protect J.W.

The parents' arguments to the contrary are unconvincing. They suggest the juvenile court could have placed J.W. with them but ordered the Department to conduct unannounced visits or to provide in-home counseling or nursing services. The juvenile court could reasonably conclude this would be insufficient given the parents' history and their minimization and denial of the problems they faced. Indeed, the most recent incident between the parents, where J.W. was called into the room and Father tried to prevent J.W. from calling for help by slapping the phone out of his hands, was *more* troubling than the earlier altercations—the very opposite of what one would expect when the parents had already taken part in voluntary services intended to avert or mitigate further violence after the incident in 2010.

Mother also asserts the juvenile court's dispositional order is infirm because it relied on a stale social study from April 2015. This argument fails for two reasons. First, the record appears to indicate the court offered to continue the hearing for preparation of

updated disposition materials but counsel declined. Second, the juvenile court's focus was appropriately on averting harm to J.W. and the factors the parents now cite to argue the juvenile court should not have removed J.W. absent updated information—positive visitation sessions between the parents and J.W. and the possibility that further counseling might be beneficial—were reflected in the April 2015 report. The parents' minimization of the domestic violence issues also had not substantially changed at the time of the dispositional hearing. The juvenile court weighed the evidence and concluded removal was warranted. The evidence upon which it relied is reasonable and of solid value, and we will not reweigh the evidence anew to reach a contrary conclusion. (*In re T.W.* (2013) 214 Cal.App.4th 1154, 1161-1162.)

B. The Delay In Holding the Dispositional Hearing Was Error, but There Is No Basis to Grant Relief Now

The child dependency laws are "'designed to allow retention of parental rights to the greatest degree consistent with the child's safety and welfare, and to return full custody and control to the parents or guardians if, and as soon as, the circumstances warrant.' (*In re Ethan C.* (2012) 54 Cal.4th 610, 625 [143 Cal.Rptr.3d 565].)" (*In re A.M.*, *supra*, 217 Cal.App.4th at p. 1074.)

To that end, section 352 requires a juvenile court to hold a section 361 dispositional hearing within 60 days if the child in question has been ordered detained. (§ 352, subd. (b).) The statute permits a juvenile court to continue the hearing beyond the 60-day deadline, but only in extraordinary circumstances, which must be described in the minutes of the court. Most important for our purposes, the statute provides that "[i]n no event shall the court grant continuances that would cause the hearing pursuant to Section 361 to be completed more than six months after" the initial hearing on the dependency petition. (§ 352, subd. (b).) The statute does not specify what sanction or relief should be ordered where a juvenile court fails to adhere to these deadlines, nor do the California

Rules of Court.[6] (*In re Angelique C.* (2003) 113 Cal.App.4th 509, 523 ["Section 352 does not supply a penalty for noncompliance"].)

Here, the Department concedes the juvenile court failed to abide by the statutory deadlines. The parents objected to the multiple continuances, and the court cited only court congestion, i.e., its caseload of more than 400 open matters, as the reason for the delay. As one court has noted before: "juvenile court judges, while diligent and caring, are overworked and doing their best to juggle ever-increasing caseloads while suffering grossly inadequate resources." (*Jeff M.*, *supra*, 56 Cal.App.4th at p. 1243.) But the press of other cases is a manifestly inadequate excuse for delaying a dispositional hearing past the statutory deadline when a child has been detained. (*Id.* at p. 1243, fn. 4; *Renee S. v. Superior Court* (1999) 76 Cal.App.4th 187, 197 [if court congestion will unreasonably delay a hearing beyond 60 days, court should transfer the matter to another department].)

Had Mother pursued extraordinary writ relief, we almost assuredly would have intervened. The statutory command to hold the hearing no later than six months after the initial hearing on the petition admits of no exceptions. In fact, because the error is plain and the need for correction at least arguably urgent, expedited relief via the procedure outlined in *Palma v. U.S. Industrial Fasteners, Inc.* (1984) 36 Cal.3d 171, may well have been warranted. We need not describe in detail what form such relief could take, but it could include an order of the type in *Jeff M.* (commanding the juvenile court to conduct trial every court day, all day, until concluded) or an order directing transfer of the matter to a judicial officer capable of hearing the matter within the statutory time frame. But because the parents did not pursue writ relief, we no longer have the option of taking steps to ensure a timely hearing.

---

[6] Former rule 1447(d) of the California Rules of Court did specify a sanction—dismissal of the petition—if a court did not hold a jurisdiction hearing within applicable time limits. (*In re Jeff M.* (1997) 56 Cal.App.4th 1238, 1243 (*Jeff M.*).) In 1998, however, former rule 1447 was repealed to "clarify" juvenile court processes applicable to the initial stages of dependency cases. (Advisory Com. com., 23 West's Ann. Codes (2005 ed.) foll. rule 1447, p. 482.)

Mother urges us to instead impose a substantive sanction, reversal of the removal order, for the procedural violation. We decline to do so because Mother cannot demonstrate prejudice at this stage of the proceedings. (*In re Celine R.* (2003) 31 Cal.4th 45, 59-60 [reversal warranted only where error is prejudicial, meaning a more favorable outcome would be "reasonably probable" absent the error]; *In re Angelique C., supra*, 113 Cal.App.4th at p. 523 [declining to reverse dispositional order because of delay beyond the six-month deadline in section 352].) We have concluded substantial evidence supports the juvenile court's jurisdiction finding and dispositional order, and there is no reason to believe the court would have reached a different conclusion had it held the hearing sooner. Because there was substantial evidence that returning J.W. to Mother's custody would expose him to substantial danger and a risk of serious harm, reversal of the dispositional order would be inappropriate.

Mother offers a counterargument. She contends the reason why the danger and risk to J.W. exist is because she has not benefitted from reunification services. She argues she would have started such services earlier had the juvenile court held the hearing in a timely fashion, and she claims the denial of an earlier opportunity to regain custody of J.W. is sufficient to show the court's error was not harmless. We believe the denial of such an opportunity is too speculative to warrant reversal of the order. Just as important, Mother's argument also fails on the record. As we have discussed, the parents did not avail themselves of reunification services during the pendency of the proceedings despite being provided information on such services by the Department. That the services were "still just recommendations," as Mother's attorney put it during the jurisdiction and dispositional hearing, is immaterial. Mother cannot obtain reversal for denial of an earlier opportunity to participate in reunification services where the record sufficiently shows she had such an opportunity.

DISPOSITION

The juvenile court's jurisdiction and dispositional orders are affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

BAKER, J.

We concur:

TURNER, P.J.

KUMAR, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.